

REMARKS

This Amendment is being filed in response to the Office Action dated June 4, 2003. For the following reasons, this application should be considered in condition for allowance and the case passed to issue.

The indication of allowability of claims 14 and 18 if rewritten into independent form including all of the limitations of the base claim and any intervening claims is gratefully acknowledged. These claims have been rewritten as new claims 21 and 22, and therefore should be allowed.

New claim 23 has been added that patentably defines over the art of record and includes a limitation supported by specification at page 8, lines 22-24. None of the references cited describe a ball joint having resistance such that the first platen pivots after the stamper contacts the data recording disk and before the stamper substantially affects a disk coating. Accordingly, claim 23 should be considered allowable over the art of record.

Claims 5-6 and 12-13 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. This rejection has been obviated by the cancellation of these claims.

Claims 1-7, 9-13, 16-17, and 19 were rejected under 35 U.S.C. § 102(b) as being anticipated by Krumholz. Claims 1-2, 5-9, 12-13, 15-17, and 19-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Vedamuttu. These rejections are hereby traversed and reconsideration and withdrawal thereof are respectfully requested. The following is a comparison of the present invention as claimed with the Krumholz and Vedamuttu references.

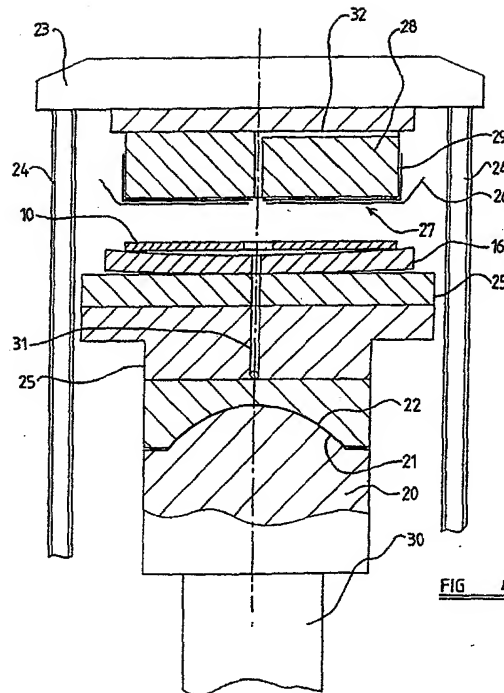
The present invention relates to a data recording disk replicating stamper assembly comprising a first platen configured for attaching a stamper and a second platen configured for attached a disk to be stamped. Means are provided for dynamically orienting a first platen and second platen into parallel during stamping of a disk. In another aspect of the invention, claimed in claim 2, a data recording disk replicating assembly is provided comprising a first platen, a second platen, and a ball joint swivably connected with the first platen such that the ball joint swivels to orient the first platen parallel with the second platen during a stamping operation. Claim 9 claims further aspects of the invention, with some of the same issues as provided in claims 1 and 2. Neither of the applied references identically discloses each and every element of the amended claims, as required to establish anticipation basis under 35 U.S.C. § 102.

Krumholz, U.S. Patent No. 5,272,904, relates to a hydraulically operable press brake, and does not relate to a data recording disk replicating stamper assembly, as provided in each of the amended independent claims. In particular, a press brake is known to be much different than a data recording disk replicating stamper assembly. Press brakes commonly are equipped with lower tables and upper tables, with one of the tables being movable so that when the tables are brought together, the work piece between the forming tables is bent into an appropriate shape. If a press brake were used in this manner on a data recording disk, the data recording disk would be ruined for use in conventional disk devices. It is well known that data recording disks need to be very flat in order to operate in an data recording disk player. Further, the data recording disk must provide a precision flat surface so that a laser can properly read the microscopically small data recorded on the disks. Bending of the disks would defeat this purpose. Hence, the preamble provided in amended claims 1, 2 and 9 gives life, meaning and vitality to the claims. Such language cannot be ignored, as discussed in *Kropa v. Robie*, 88 USPQ

478 (CCPA 1951). When properly taken into consideration, it is clear that Krumholz does not identically disclose a data recording disk replicating stamper assembly. One of ordinary skill in the art would not consider a press brake to be analogous to a data recording disk stamper. Simply put, a press brake is not a data recording disk replicating stamper assembly. Such that Krumholz cannot be considered an anticipating reference as it does not identically disclose each and every element of the claimed invention.

Reconsideration and withdrawal of the rejection of claims 1-7, 9-13, 16-17 and 19 under 35 U.S.C. § 102 as being anticipated by Krumholz are respectfully requested.

Vedamuttu, U.S. Patent No. 6,165,391 relates to a method and apparatus for manufacturing an optical data storage disc. A support block 20 has an upper spherical surface 21 which cooperates with a spherical surface 22 of a support table 23. The Examiner states that the apparatus comprises first and second platens 25 and 28 with a ball joint 21 and 22 connected with the first platen. The Examiner considered the structure to allow the ball joint to swivel during stamping operations to orient the first and second surfaces of the platens parallel to one another prior to completion of the stamping operation. However, it is respectfully submitted that the structure as disclosed and depicted in Vedamuttu would not allow such swiveling as suggested by the Examiner. There is no disclosure in Vedamuttu that the platens 25 and 28 actually perform any such swiveling. As shown in the reproduced portion of Figure 4 from Vedamuttu provided below, there are flat sections in the connection between support block 20 and tool steel 25 (the platen).



Although there are spherical surfaces 21 and 22 that meet, any adjustment movement is severely limited by the opposing flat surfaces on each of these elements. In other words, how can first platen 25 tilt with respect to support block 20 by any noticeable amount? The opposing flat surfaces, circled for convenience in the reproduced figure above, would prevent such tilting or swiveling. Therefore, there is no dynamic orienting of the first platen and second platen into parallel during stamping of the disk provided by Vedamuttu. Furthermore, Vedamuttu fails to disclose a ball joint that is swivelably connected with a platen such that the ball joint swivels to orient the first platen parallel with the second platen during a stamping operation. These limitations appear in claims 1, 2 and 9 of the present application.

Since Vedamuttu fails to identically disclose each and every element of the claimed invention, it cannot be said to anticipate claims under 35 U.S.C. § 102. Reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. § 102 are therefore respectfully requested.

In light of the amendments and remarks above, this application should be considered in condition for allowance and the case passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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